

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6870
BILL NUMBER: SB 361

NOTE PREPARED: Apr 18, 2013
BILL AMENDED: Mar 25, 2013

SUBJECT: Intimidation.

FIRST AUTHOR: Sen. Crider
FIRST SPONSOR: Rep. Price

BILL STATUS: Enrolled

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill has the following provisions:

- A. *Communicating a Threat* – It provides that for the crime of intimidation, "communicates" includes posting a message electronically, including on a social networking web site. It specifies that communicating a threat with the intent to interfere with the occupancy of certain buildings may constitute intimidation.
- B. *Penalties* – It provides that it is a Class D felony if the person to whom the threat is communicated is: (1) an employee of a hospital, school, church, or religious organization; or (2) is a person that owns a building or structure that is open to the public or is an employee of the person. It increases the penalty to a Class C felony if it is committed against a judge, bailiff, prosecuting attorney, or deputy prosecuting attorney.

Effective Date: July 1, 2013.

Explanation of State Expenditures: *Penalties* – This bill increases the penalties for intimidation under two different circumstances.

The following table summarizes the effects that this bill could have on the Department of Correction (DOC) population.

Persons Threatened	Current Penalty	Proposed Penalty	Potential Change
Employee of a hospital, school, church, or religious organization; or an owner or employee of a building or structure that is open to the public.	Class A Misdemeanor	Class D Felony	Possible increase in prison population if person is convicted of a Class D felony. Prison sentence could range from 6 months to 3 years
Prosecuting attorney or deputy prosecuting attorney.	Class A Misdemeanor	Class C Felony	Potential prison sentence of 2 to 8 years
Judge or bailiff.	Class D Felony	Class C Felony	Prison sentence could increase from 6 months to 3 years for a Class D felony to 2 to 8 years for a Class C felony.

There are no data available to indicate if more people will be convicted of this Class A misdemeanor if posting a message electronically is added to the definition of communication, or if more people will be convicted of the Class D felony if a threat to an employee of a hospital, school, church, or religious organization; or the owner or employee of a building or structure open to the public is added. In addition, the added number of offenders who would be committed for Class C felonies is not known.

On average, between 2008 and 2012, there were 76 offenders per year who were sentenced to a state facility for intimidation as a Class D felony. The average expenditure to house an adult offender was \$18,582 in FY 2012. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,234 annually, or \$8.86 daily, per prisoner.

Explanation of State Revenues: *Penalty Provision:* No change would likely occur in state revenue as a result of this bill since criminal fines and court fees are the same for either Class D or C felonies.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Penalty Provision:* No additional revenues would be expected since the court fees for misdemeanors and Class D and Class C felonies are the same.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

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